NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ABRAHAM GOMEZ PINEDA; ANA PICHARDO RAMIREZ,
 	
  Petitioners,
 	
  v.
 	
ALBERTO R. GONZALES, Attorney General,
 	
  Respondent.
	No. 05-74723
	
	Agency Nos. A95-445-208
	           A95-445-209
	
	MEMORANDUM [*]

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006 [**]

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Abraham Gomez Pineda and Ana Pichardo Ramirez, husband and wife,

natives and citizens of Mexico, petition pro se for review of the Board of

Immigration Appeals' ("BIA") order denying their motion to reopen removal

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[*]   This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

[**]   The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

proceedings. To the extent we have jurisdiction, it is conferred by 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings. *See Sanchez-Cruz v. INS*, 255 F.3d 775, 779 (9th Cir. 2001). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Petitioners' challenges to the BIA's underlying order dismissing their direct appeal from the immigration judge's decision denying their application for cancellation of removal, because the instant petition for review is not timely as to that order. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1258 (9th Cir. 1996).

Petitioners' constitutional challenges to the Nicaraguan Adjustment and Central American Relief Act ("NACARA") are foreclosed by our decision in *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 602-03 (9th Cir. 2002) ("Congress's decision to afford more favorable treatment to certain aliens 'stems from a rational diplomatic decision to encourage such aliens to remain in the United States'").

PETITION FOR REVIEW DISMISSED in part; DENIED in part.